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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,588

09/27/2004

Henk W. M. Boelaars

2255.0

5587

9748

7590

10/12/2006

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,588	<b>Applicant(s)</b> BOELAARS, HENK W. M.	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments with respect to claims 1-38 have been considered.

However, upon further consideration, a new ground(s) of rejection has been made (see ¶3).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,11,18,20,21,22,27,29,30,31,37 are rejected under 35 U.S.C. 102(b) as being anticipated by Arscott USP 4,231,469.

Arscott discloses a conveyor system comprising:

- A main conveyor (C3/L31-56) (fig.4-6)
- At least one cross conveyor (fig.4-6) disposed along the main conveying path and intersecting and passing through the main conveyor, the cross conveyor comprising:
  - A roller-top belt having a plurality of rollers (6) and having axles
  - A bi-directional drive engaging the roller-top belt (described by directions 3,3') (C3/L10-13)

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- the drive for the roller-top belt including sprocket sets on opposite sides of the main conveyor (inherent, if not disclosed)
- a wear surface (C3/L50-56)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,4,5,6,12,13,14,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arscott USP 4,231,469 in view of Adama USP 4,598,815.

Arscott discloses all the limitations of the claim (see ¶3) and further discloses a wear surface (C3/L50-56), but does not expressly disclose the main conveyor comprising a series of endless belt loops along the main conveying path separated by a gap, the main conveyor belt defining a conveying plane along a major portion of the main conveying path and disposed below the cross conveyor along a minor portion, or the article-supporting surface slightly above the main conveying plane when the drive is driving the roller-top belt and means to selectively raise and lower the roller-top belt.

Adama teaches the main conveyor comprising a series of endless belt loops along the main conveying path separated by a gap, the main conveyor belt defining a conveying plane along a major portion of the main conveying path and disposed below the cross conveyor along a minor portion (at least fig.3) for the purpose of the main

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conveyor belt moving continuously from the upstream side to the downstream side (C7/L26-36).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the main conveyor with a series of endless belt loops along the main conveying path separated by a gap, the main conveyor belt defining a conveying plane along a major portion of the main conveying path and disposed below the cross conveyor along a minor portion, as taught by Adama, in the device of Arscott, for the purpose of the main conveyor belt moving continuously from the upstream side to the downstream side.

Adama teaches the article-supporting surface slightly above the main conveying plane when the drive is driving the roller-top belt and means (42) to selectively raise and lower the roller-top belt for the purpose of creating a diversion of conveyed articles (C8/L23-48).

At the time of invention it would have been obvious to one having ordinary skill in the art to have the article-supporting surface slightly above the main conveying plane when the drive is driving the roller-top belt and means to selectively raise and lower the roller-top belt, as taught by Adama, in the device of Arscott, for the purpose of creating a diversion of conveyed articles.

6. Claims 10,19,23,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arscott USP 4,231,469 in view of Bonnet USP 5,984,078.

Arscott discloses all the limitations of the claim (see ¶3), but does not expressly disclose sensors.

Bonnet teaches the use of sensors (54) for the purpose of providing a signal before a parcel is about to enter a diverter station (see figures) (C4/L37-49).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of sensors, as taught by Bonnet, in the device of Arscott, for the purpose of providing a signal before a parcel is about to enter a diverter station.

7. Claims 9,15,16,17,24,25,26,32,33,34,35,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arscott USP 4,231,469 in view of Goldinger USP 3,921,789.

Arscott discloses all the limitations of the claim (see ¶3), but does not expressly disclose the means for raising and lowering the roller-top comprising elevating the sprocket sets relative to the main conveyor to raise the roller-top belt to the higher second position when the roller-top belt is being driven and to allow the roller-top belt to sag into the lower first position when the roller-top belt is stopped, or a wear surface disposed in the gap.

Goldinger teaches the means for raising and lowering the roller-top comprising elevating the sprocket sets relative to the main conveyor to raise the roller-top belt to the higher second position when the roller-top belt is being driven for the purpose of repositioning the conveyed article once it reaches the transfer device (C2/L30-53).

At the time of invention it would have been obvious to one having ordinary skill in the art to have the means for raising and lowering the roller-top comprising elevating the

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sprocket sets relative to the main conveyor to raise the roller-top belt to the higher second position when the roller-top belt is being driven, as taught by Goldinger, in the device of Arscott, for the purpose of repositioning the conveyed article once it reaches the transfer device.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

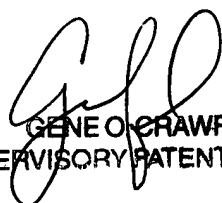
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
10/6/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER